

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

Deer Creek LP
Section 36, Fabius Township
Davis County, Iowa
Facility ID #65322

ADMINISTRATIVE CONSENT ORDER
NO. 2008-AFO-29

TO: Joe Dotterer
Deer Creek LP
15601 285th Street
Bloomfield, Iowa 52537

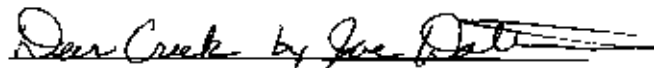
VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c". You failed to submit a complete manure management plan (MMP) update to the Iowa Department of Natural Resources (DNR), to the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by May 1, 2008. You also failed to submit the annual compliance fees. The facility was sent a notice of the requirements on March 17, 2008 and a notice of violation letter on May 20, 2008. On June 13, 2008, the facility was sent a notice of referral. You have since submitted a complete MMP and compliance fees to DNR Field Office 6.

ORDER: A penalty of \$1,500.00 shall be paid within 30 days of the date the Director signs this administrative consent order. This penalty shall be paid to the DNR at the address listed below. \$100.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$900.00 of this amount is based on the gravity of the violation; considering the size of the facility, agency costs in addressing the violations, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$500.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed, and the facility was sent three notices of the requirements by the DNR.

AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c".

APPEAL: This administrative consent order is entered into knowingly by and with the consent of Deer Creek LP. For that reason, Deer Creek LP waives the right to appeal this administrative consent order or any part thereof.

NONCOMPLIANCE: If you fail to comply with this administrative consent order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.


Deer Creek LP

Dated this 14 day of August, 2008.


Richard A. Leopold, Director

Dated this 22 day of August, 2008.

Iowa Department of Natural Resources
502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

#65322; Kelli Book; Field Office 6; EPA; VIII.C.2

RECEIVED
AUG 18 2008